

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

FILED BY RA D.C.
05 AUG 10 AM 10:18
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

U.S.A. vs. Kevin W. Booth

Docket No. 2:89-CR20219

Petition on Probation and Supervised Release

COMES NOW Michelle R. Sims, PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Kevin W. Booth, who was placed on supervision by the Honorable Odell Horton sitting in the Court at Memphis, Tennessee, on the 10th day of May, 1990 who fixed the period of supervision at three (3) years*, and imposed the general terms and conditions theretofore adopted by the Court and also imposed Special Conditions and terms as follows:

* Term of Supervised Release began on November 3, 2004, in the Northern District of California.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

The defendant shall not commit another federal, state or local crime.

Mr. Booth was arrested by the San Jose, California Police Department after a routine traffic stop revealed the defendant was driving under the influence of a controlled substance. A subsequent search of the vehicle revealed a small baggy containing cocaine. The defendant was charged with Possession of a Controlled Substance (felony) and Being Under the Influence of Cocaine and Methamphetamine (misdemeanor). The defendant is presently in state custody with a Court date of August 2, 2005.

PRAYING THAT THE COURT WILL ORDER that a WARRANT be issued for Kevin W. Booth to answer charges of Supervised Release violations.

BOND: _____

ORDER OF COURT

Considered and ordered this 9th day
of August 20 05 and ordered
filed and made a part of the records
in the above case.

[Signature]
U.S. District Judge

I declare under the penalty of perjury that the
Foregoing is true and correct.

[Signature]
Michelle R. Sims
U.S. Probation Officer

Place: Memphis, TN

Date: July 26, 2005

VIOLATION WORKSHEET1. Defendant Kevin W. Booth (Incarcerated: San Jose, California)2. Docket Number (Year-Sequence-Defendant No.) 2:89CR202193. District/Office Western District of Tennessee (Memphis)4. Original Sentence Date 5 / 10 / 90
month day year

(If different than above):

5. Original District/Office _____

6. Original Docket Number (Year-Sequence-Defendant No.) _____

7. List each violation and determine the applicable grade (see §7B1.1):

<u>Violation{s}</u>	<u>Grade</u>
• <u>New Criminal Conduct: Possession of a Controlled Substance (Felony)</u>	<u>B</u>
• <u>New Criminal Conduct: Being Under the Influence of Cocaine/Methamphetamine (Misdemeanor)</u>	<u>C</u>
_____	_____
_____	_____
_____	_____

8. Most Serious Grade of Violation (see §7B1.1(b))

B

9. Criminal History Category (see §7B1.4(a))74

VI

10. Range of imprisonment (see §7B1.4(a))

21 - 27 months

Statutory maximum sentence: 60 months

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):

- { } (a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.
- { } (b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.
- {X} (c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit

12. Unsatisfied Conditions of Original Sentence

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation {see §7B1.3(d)}:

Restitution (\$) N/A

Community Confinement N/A

Fine (\$) N/A

Home Detention N/A

Other N/A

Intermittent Confinement N/A

13. Supervised Release

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3{see §§7B1.3(g)(1)}.

Term: N/A to N/A years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment impossible upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment {see 18 U.S.C. §3583(e) and §7B1.3(g)(2)}.

Period of supervised release to be served following release from imprisonment: _____

14. Departure

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

15. Official Detention Adjustment {see §7B1.3(e)}: _____ months _____ days

Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit



Notice of Distribution

This notice confirms a copy of the document docketed as number 42 in case 2:89-CR-20219 was distributed by fax, mail, or direct printing on August 12, 2005 to the parties listed.

Dan Newsom
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable J. Breen
US DISTRICT COURT